

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:

Ziming SUN, et al.

Serial No. Not yet assigned

Filed: December 11, 2001

For: STABILIZED ASCORBIC ACID
COMPOSITION

Group Art Unit:

Examiner:

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail No: EL891832630US postage prepaid, in an envelope addressed to: Box New Patent Application, Assistant Commissioner for Patents, Washington, D.C. 20231 on December 12, 2001 By: Kristin Freebairn *Kristin Freebairn*

12-12-01

PRELIMINARY AMENDMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

REMARKS

In the Continued Prosecution Application (CPA), Application Serial No. 09/224005, from which this application claims priority, the Examiner rejected Claims 1-25 under 35 U.S.C. § 103(a) in view of a single reference, namely, U.S. Patent No. 5,089,269 to Noda. Noda is directed to a basic make-up or hair cosmetic composition including microcapsules having a particular particle size. Noda is not directed to forming a stabilized aqueous ascorbic acid composition, nor the problems associated with prior art attempts at doing so. Indeed, the Examiner concedes that Noda does not show the present invention as claimed. In response to Applicant's argument that Noda does not teach modifying weight percents in order to achieve Applicant's composition, the Examiner states "This is true, Noda does not teach modifying the percentages, however, Noda does not teach different weight percents than those taught by Applicant, Noda simply does not specify the quantities. It is the

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